

# Committee on Resources

## Subcommittee on Fisheries Conservation, Wildlife and Oceans

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### Statement

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#### TESTIMONY BEFORE THE SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

**Tuesday, February 8, 2000**

Mr. Chairman, I am Richard Stone, Science Advisor for the Recreational Fishing Alliance (RFA). I am here today to present statements for the RFA and the National Coalition for Marine Conservation (NCMC) on the issues of time and area closures that are now being proposed by both the National Marine Fisheries Service (NMFS) and members of Congress.

The organizations that I am representing have been advocating extensive longline area closures to protect undersize swordfish, billfish and oceanic sharks since 1996, and are pleased and encouraged that such measures are being seriously considered and are likely to be implemented in the near future. Unfortunately, differing approaches to instituting the closures are dividing the attention of the fishing and environmental communities. Congressional intervention carries with it two controversial changes in the management of large pelagic fish: it effectively transfers authority for managing the Atlantic pelagic longline fishery - now and in the future - from NMFS to Congress; and it links implementation of conservation measures in this fishery to financial compensation on the industry's terms. We do not think it is appropriate or necessary to completely change the interactive, highly migratory species (HMS) management process that most of the organizations involved here and Congress helped put into place. With the HMS Advisory Panels and the cooperation with the U. S. International Commission for the Conservation of Atlantic Tunas Commissioners and Advisory Committee, we believe the process is improving. The NMFS proposal for time/area closures is a good example. Congress should not step in and derail this process now.

We appreciate the Committee taking the time to hold this Hearing and getting input into this process, because failure to resolve critical differences between the two approaches and unite the fishing and conservation communities in common purpose could undermine the conservation benefits that would ultimately derive from either proposal. This would short-change the resource and the fishermen who look forward to the benefits of recovered stocks.

I will, highlight some of the comments from the organizations that I represent, and also submit additional comments from the RFA and a position paper from the NCMC. They do not object, per se, to a buyout program, but are concerned that it is putting the cart before the horse in this case. The attachment of a buy-out to the closures is touted as a preferable approach to the NMFS proposal because a) it would remove effort from the fishery, thus decreasing the likelihood of increased bycatch rates in the areas left open to longlining, and b) it has the support of the longline industry, which makes it more likely to be adopted. As with the NMFS proposal, the size and duration of the closures alone have the potential to reduce overall longline effort. Any added reduction in effort due to the buy-out offer is uncertain, mainly because its purpose is not effort reduction per se but economic relief. It is possible that only those boats too small or too

attached to their home port to move to other regions, or those that are struggling financially, will take the buy-out offer and that the more mobile and financially solvent vessels (that do threaten continued bycatch through redirected effort) will remain active. More importantly, there is nothing in the bill that would prevent the boats remaining active in the fishery from increasing fishing effort and thus replacing the bought-out effort. While assumptions about the effects of displaced effort are uncertain under any scenario, an increase in effort is likely since the remaining vessels would end up with a larger share of the available landings for swordfish, tunas and sharks.

The conservation benefits of the proposed closed areas appear similar but we would support the NMFS proposal for the South Atlantic which is slightly larger and beginning the closures in the Gulf of Mexico at least on May 1<sup>st</sup> rather than Memorial Day. The NMFS Technical Report dated October 1, 1999 clearly shows that discards of billfish increase dramatically in May in the Gulf. Larger closures appear to be needed in the Gulf of Mexico and we understand that the Gulf of Mexico Fishery Management Council has recommended closing the entire Gulf for part of the year.

We support additional research and monitoring as proposed in the Bills and suggest that it should not be limited to billfish, but include all species of concern. Under the proposed bills, however, NMFS is to report the results, after 4 years, to Congress with recommendations for "legislation." The effect of this provision, and the intent of the legislation, is to take management authority for the U.S. pelagic longline fleet away from NMFS and give it to Congress. Research and monitoring will be critical to the success of any bycatch reduction plan based on time and area closures. Since these longline area closures are experimental in nature, and monitoring, evaluation and adjustment may be necessary, it is important that the information be available on a real time basis and that NMFS have the flexibility to make needed adjustments quickly. The proposed legislation would preclude any follow-up action to make adjustments, except under emergency conditions, until at least 2004, and then only by an act of Congress. We think that is not in the best interest of conservation.

We do agree with the concept of amending the Atlantic Tunas Convention Act to allow the Secretary the option of reducing the amount that the United States may harvest of its allocation or quota by the amount of capacity affected by the buyout and keeping it in a "conservation reserve" until the stock recovers. Any share allocated to the United States by ICCAT would not be changed by this action. This way the U.S. fishermen will not be disadvantaged in the long run.

In summary, legislation is not necessary to implement the time and area closures and achieve the conservation benefits that would derive from them. That can and should be done through the regulatory process established by Congress under the Magnuson Act, and with which NMFS is complying. If Congress deems it necessary, it could follow implementation of the regulations with legislation to provide relief to those vessels that can demonstrate substantial adverse economic impacts as a direct result of the regulations. If the Legislative route is pursued, then we suggest modifying Congressman Saxton's Bill (H.R.3331) and would insist that all language restricting future regulation of the U.S. longline fishery by the NMFS be removed. Additional comments pertaining to this approach were submitted as an attachment. We stand ready to work with Congress, NMFS, and others on trying to resolve the different approaches being considered. Thank you.

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